

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS RICHARD JAEGER		DEFENDANTS NCO FINANCIAL SYSTEMS, INC.	
(b) County of Residence of First Listed Plaintiff <u>Oakland Cnty, Michigan</u>		County of Residence of First Listed Defendant <u>Montgomery County</u>	
Tara L. Patterson Kimmel & Silverman, P.C. 30 East Butler Pike, Ambler, PA 19002 Phone No. 215-540-8888 ext. 103; tpatterson@creditlaw.com		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in This State <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT		TORTS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	
PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	
LITIGATION <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	
IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395R) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS---Third Party 26 USC 7609	
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes			
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7
Appeal to District Judge from Magistrate Judgment			
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>15 U.S.C. section 1692</u>			
Brief description of cause: <u>Fair Debt Collection Practices Act</u>			
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
		DEMAND S	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
VIII. RELATED CASE(S)		(See instructions): JUDGE DOCKET NUMBER	
Explanation: <u>03/07/11</u>		SIGNATURE OF ATTORNEY OF RECORD <u>Tara L. Patterson</u>	
DATE			

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 30350 HUNTERS DR., FARMINGTON HILLS, MI 48334

Address of Defendant: 507 PRUDENTIAL ROAD, HORSHAM, PA 19044

Place of Accident, Incident or Transaction: FARMINGTON HILLS, MI

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

- Indemnity Contract, Marine Contract, and All Other Contracts
- FELA
- Jones Act-Personal Injury
- Antitrust
- Patent
- Labor-Management Relations

7. Civil Rights

8. Habeas Corpus

9. Securities Act(s) Cases

10. Social Security Review Cases

11. All other Federal Question Cases

(Please specify)

FAIR DEBT COLLECTION PRACTICES ACT CASE
ARBITRATION CERTIFICATION

(Check Appropriate Category)

1. TARA L. PATTERSON, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 03/07/11

Attorney-at-Law

88343

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/07/11

Attorney-at-Law

88343

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

RICHARD JAEGER

CIVIL ACTION

v.

NCO FINANCIAL SYSTEMS, INC.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

03/07/11
Date

TARA L. PATTERSON
Attorney-at-law

PLAINTIFF, RICHARD JAEGER
Attorney for

215-540-8988 ext. 103

877-788-2864

tpatrick@creditlaw.com

Telephone

FAX Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD JAEGER, }
Plaintiff }
v. }
NCO FINANCIAL SYSTEMS, INC., }
Defendant }
Case No.: }
COMPLAINT AND DEMAND FOR }
JURY TRIAL }
(Unlawful Debt Collection Practices)

COMPLAINT

RICHARD JAEGER ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC., ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28

1 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3 3. Defendant conducts business and has an office in the Commonwealth
4 of Pennsylvania, and therefore, personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

6 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
7 2202.

8 10 **PARTIES**

9 11 6. Plaintiff is a natural person residing in Farmington Hills, Michigan
12 48334.

13 14 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
15 1692a(3).

16 8. Defendant is a national debt collection company with corporate
17 headquarters located at 507 Prudential Road, Horsham, Pennsylvania, 19044-
18 2308.

19 20 9. Defendant is a debt collector as that term is defined by 15 U.S.C. §
21 1692a(6), and sought to collect a consumer debt from Plaintiff.

22 10. Defendant acted through its agents, employees, officers, members,
23 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
24 representatives, and insurers.

1 PRELIMINARY STATEMENT

2 11. The Fair Debt Collection Practices Act (“FDCPA”) is a
3 comprehensive statute, which prohibits a catalog of activities in connection with
4 the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA
5 imposes civil liability on any person or entity that violates its provisions, and
6 establishes general standards of debt collector conduct, defines abuse, and provides
7 for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the
8 FDCPA declare certain rights to be provided to or claimed by debtors, forbid
9 deceitful and misleading practices, prohibit harassing and abusive tactics, and
10 proscribe unfair or unconscionable conduct, both generally and in a specific list of
11 disapproved practices.

12 12. In particular, the FDCPA broadly enumerates several practices
13 considered contrary to its stated purpose, and forbids debt collectors from taking
14 such action. The substantive heart of the FDCPA lies in three broad prohibitions.
15 First, a “debt collector may not engage in any conduct the natural consequence of
16 which is to harass, oppress, or abuse any person in connection with the collection
17 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,
18 deceptive, or misleading representation or means in connection with the collection
19 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair
20 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §
21
22
23
24
25

1 1692f. The FDCPA is designed to protect consumers from unscrupulous
2 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
3 unconscionable collection methods, conduct which harasses, oppresses or abuses
4 any debtor, and any false, deceptive or misleading statements in connection with
5 the collection of a debt.

7 13. In enacting the FDCPA, the United States Congress found that
8 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
9 collection practices by many debt collectors,” which “contribute to the number of
10 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
11 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
12 laws and procedures for redressing debt collection injuries to be inadequate to
13 protect consumers. 15 U.S.C. § 1692b.

16 14. Congress enacted the FDCPA to regulate the collection of consumer
17 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
18 abusive debt collection practices by debt collectors, to insure that debt collectors
19 who refrain from using abusive debt collection practices are not competitively
20 disadvantaged, and to promote consistent State action to protect consumers against
21 debt collection abuses.” 15 U.S.C. § 1692e.

FACTUAL ALLEGATIONS

15. At all pertinent times hereto, Defendant was hired to collect a consumer debt allegedly owed by Plaintiff.

16. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

17. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.

18. Beginning in August 2010, and continuing through November 8, 2010, Defendant called Plaintiff on his home telephone in its attempts to collect a debt.

19. Defendant placed up to ten collection calls to Plaintiff's home phone per week.

20. Defendant constantly and continuously placed collection calls to Plaintiff's son, Steven Jaeger (hereinafter "Steven"), even though Defendant had Plaintiff's current home telephone number and address.

21. Defendant contacted Steven about Plaintiff's debt, despite knowing that Steven does not live with Plaintiff, as Steven lives in California and Plaintiff lives in Michigan, which are in completely different time zones.

22. Defendant disclosed details of Plaintiff's alleged debt to Steven, by stating that its purpose in calling was in an attempt to collect a debt from Plaintiff.

1 23. On November 8, 2010, Defendant made six (6) telephone calls to
2 Steven.
3

4 24. Then, on November 9, 2010, Defendant made three (3) more
5 telephone calls to Steven in its attempts to collect a debt from Plaintiff.
6

7 25. Plaintiff instructed Defendant, including its two representatives:
8 Randall and John, to stop calling Steven in its attempts to collect a debt from
9 Plaintiff.
10

11 26. Defendant, however, ignored Plaintiff's instructions, and continued
12 to call Steven.
13

14 27. Further, Defendant threatened Plaintiff with legal action unless
15 immediate payment arrangements were made.
16

17 28. Also, Defendant threatened to harm Plaintiff's credit report unless
18 immediate payment arrangements were made.
19

20 29. Defendant conducted its collection activities in ways that were
21 factually misrepresented and in violation of the FDCPA.
22

CONSTRUCTION OF APPLICABLE LAW

23 30. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
24 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes
25 strict liability, a consumer need not show intentional conduct by the debt collector
to be entitled to damages." Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);

1 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
2 unintentional misrepresentation of debt collector's legal status violated FDCPA);
3 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).
4

5 31. The FDCPA is a remedial statute, and therefore must be construed
6 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235
7 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts
8 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d
9 1162 (9th Cir. 2006). "Because the FDCPA, like the Truth in Lending Act (TILA)
10 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in
11 favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).
12

13 32. The FDCPA is to be interpreted in accordance with the "least
14 sophisticated" consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168
15 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.
16 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA
17 was not "made for the protection of experts, but for the public - that vast multitude
18 which includes the ignorant, the unthinking, and the credulous, and the fact that a
19 false statement may be obviously false to those who are trained and experienced
20 does not change its character, nor take away its power to deceive others less
21 experienced." Id. The least sophisticated consumer standard serves a dual
22 purpose in that it ensures protection of all consumers, even naive and trusting,
23
24

1 against deceptive collection practices, and protects collectors against liability for
2 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at
3 1318.

4

5 **COUNT I**
6 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES**
7 **ACT**

8 33. Defendant violated the FDCPA based on the following:

9 a. Defendant violated §1692 generally;

10 b. Defendant violated §1692b(2) of the FDCPA by stating to Plaintiff's son that Plaintiff owes a debt and by discussing the debt'

11 c. Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff's son more than once and without reasonable belief that the earlier response was erroneous or incomplete;

12 d. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;

13 e. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse and harass Plaintiff;

14 f. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of a debt;

- 1 g. Defendant violated §1692e(5) of the FDCPA by threatening to
- 2 take any action that cannot legally be taken or that was not
- 3 intended to be taken;
- 4 h. Defendant violated §1692e(10) of the FDCPA by using a
- 5 deceptive means in an attempt to collect a debt by constantly
- 6 and continuously placing collection calls to Plaintiff's son even
- 7 though Defendant is in possession of Plaintiff's current
- 8 telephone number and address; and
- 9 i. Defendant violated §1692f of the FDCPA by using unfair or
- 10 unconscionable means to collect or attempt to collect any debt.

11

12 34. WHEREFORE, Plaintiff, RICHARD JAEGER, respectfully requests

13 judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for

14 the following:

- 15 a. Declaratory judgment that Defendant's conduct violated the Fair
- 16 Debt Collection Practices Act,
- 17 b. Statutory damages pursuant to the Fair Debt Collection Practices
- 18 Act, 15 U.S.C. § 1692k,
- 19 c. Actual damages,
- 20 d. Costs and reasonable attorneys' fees pursuant to the Fair Debt
- 21 Collection Practices Act, 15 U.S.C. § 1692k
- 22 e. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, RICHARD JAEGER, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: KIMMEL & SILVERMAN, P.C.

By: Mark Patterson

Craig Thor Kimmel

Attorney ID # 57100

Tara L. Patterson

Attorney ID #88343

Kimmel & Silverman, P.C.

30 E. Butler Pike

Ambler, PA 19002

Phone: (215) 540-8888

Fax: (877) 788-2864

Email: kimmel@creditlaw.com